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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/107,083	06/29/1998	CHRISTOPHER M. WHITE	MS1-260US	7534
22801	7590	04/28/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 04/28/2004

28

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/107,083

Applicant(s)

WHITE, CHRISTOPHER M.

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-29 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-29 and 31-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



Paper No. 28

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2/9/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: the complete listing of claims should include status identifiers and text. If claims are canceled text is to be omitted (ex. Claim 1 (Canceled)).

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH time limit is not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Wanda M. Schuster  
Legal Instruments Examiner (LIE)

(703)306-2941  
Telephone No.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see paper No. 27, filed 2/9/94, with respect to the rejection(s) of claim(s) 1-5, 7-29, and 31-36 under 35 U.S.C. 103 (a) have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Duffield et al. (US 5,398,074 A) and Boyer et al. (US 20030066085 A1).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-29, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffield et al. (US 5,398,074 A) in view of Boyer et al. (US 20030066085 A1).

Regarding claim 1, Duffield discloses a method of displaying recently accessed television channels comprising the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying secondary video pictures through a web browser program. However, Boyer teaches that displaying television information on a web on a web browser (see figures 15, 24, 29, 32, and 33) allows users to click on text or still images, and other multimedia material related to a given television program (see abstract; page 1, 0009; page 4, 0068, 0072, 0073). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying secondary video pictures through a web browser as taught by Boyer in order to widely allow the user to access television information at remote locations.

Regarding claims **2 and 3**, Duffield discloses monitoring the selected channel for a predetermined length of time (frequently and/or continuously channel selected and reselected by the viewer – see col. 1, lines 14-19).

Regarding claims **4 and 5**, Duffield discloses selecting the television channel from the secondary video pictures using a remote control in response to on-screen menu prompts (see col. 4, lines 20-24).

Regarding claims **7 and 9-11**, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28).

Regarding claim **8**, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures. Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claim **12**, Duffield discloses that the new selected channel appears in the middle and the former selected channel is moved to the top or bottom (see col. 6, lines 29-33).

Regarding claim **13-15 and 17**, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claim **16, 18 and 19**, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim **20**, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); applying a focus (a distinct border design 72) to one of the small display screens to designate the one small display screen as active and containing a currently selected channel and to differentiate the active small display screen from remaining ones of the small display screens (enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control - see col. 6, lines 20-28).

Regarding claim **21**, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures. Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claims **22 and 23**, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28), and displaying multiple viewing secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claims **24 and 25**, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim **26**, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); displaying still images captures form corresponding channels in the small display screens (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying secondary video pictures through a web browser program. However, Boyer teaches that displaying television information on a web on a web browser (see figures 15, 24, 29, 32, and 33) allows users to click on text or still images, and other multimedia material related to a given television program (see abstract; page 1, 0009; page 4, 0068, 0072, 0073). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying secondary video pictures through a web browser as taught by Boyer in order to widely allow the user to access television information at remote locations.

Regarding claim 27, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim 28, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen (see figures 1-3).

Regarding claim 29, Duffield discloses a client system capable of receiving multiple television channels, comprising: a processor (82); and a memory (inside the processor) having stored therein executable instructions (software) which, when executed by the processor, cause the processor to perform the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying secondary video pictures through a web browser program or an interactive display environment including WWW content. However, Boyer teaches that displaying television information on a web on a web browser (see figures 15, 24, 29, 32, and 33) allows users to click on text or still images, and other multimedia material related to a given television program (see abstract; page 1, 0009; page 4, 0068, 0072, 0073). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying secondary video pictures through a web browser as taught by Boyer in order to widely allow the user to access television information at remote locations.

Regarding claim **31**, Duffield as modified by Boyer discloses that the television information is HTML object displayed on web browser (see Boyer: page 4, 0072).

Regarding claim **32**, Boyer et al. further discloses the Internet system comprising at least one server system and a network interconnecting the server system and the one or more client systems (see page 3, 0055, 0056 and figures 1 and 3).

Claims **33, 34, and 35** are computer-readable medium claims which embody the method steps of claims 1, 20, and 26, respectively, in computer code (i.e., software). Neither Duffield nor Boyer explicitly teaches the method embodied in software. Official Notice is taken that automating method steps in software is extremely well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teaching of Duffield and Boyer by providing the method steps in Duffield and Boyer as discussed with respect to claims 1, 20, and 26, respectively, as program code (i.e., software) in order to automate the combined system of Duffield and Boyer and provide computer control.

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 20030066085 A1) in view of Duffield et al. (US 5,398,074 A).

Regarding claim **36**, Boyer et al. discloses in a set top box system (116 – see figure 3) capable of receiving and presenting both television and web content on a television, a user interface executing on the set top box system (see figures 1-30) comprising: providing web page of information to a user of an Internet television program guide system comprising displaying television program information included video clips and associated television program data on web browser (see page 4, 0068, 0072, 0073; page 11, claim 1).

Boyer does not disclose displaying multiple small display screens wherein each small display screen corresponding to a channel recently selected by a user. However, Duffield

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discloses that secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 (see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58). Duffield further discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Boyer by displaying video pictures representing channels frequently and/or continuously selected and reselected by the viewer as taught by Duffield in order to view different channels simultaneously.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a long horizontal flourish extending to the right.

Ngoc K. Vu

Examiner

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April 17, 2004